

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CARL R. BRANDON, # 130780

PLAINTIFF

VS.

CIVIL ACTION NO. 5:09cv00035-DCB-MTP

FRANK DAVIS, et al.

DEFENDANT

ORDER

Presently pending before the court is an Affidavit for Writ of Arrest Warrant [41] filed by Plaintiff on May 5, 2010. Having considered Plaintiff's submission and applicable law, the court finds that the motion should be DENIED for the reasons set forth below.

Plaintiff has brought this action against all jail staff pursuant to 42 U.S.C. § 1983. [9] The subject of Plaintiff's Affidavit, Willie Mae Lush, is a jail employee whom Plaintiff wishes to have charged with perjury. [41] The court finds that Plaintiff Brandon may not seek relief via criminal charges under 42 U.S.C. § 1983. *See Madden v. Harrison County*, No. 1:08cv221, 2020 WL 1238972, at *4 (S.D. Miss. Feb. 25, 2010) (citing *Jones v. Conway*, No. 92-3883, 1992 WL 185578, at *1 (E.D.Pa. June 21, 1992)). Further, there is no constitutional right to have someone criminally prosecuted. *Madden, supra* (citing *Oliver v. Collins*, 914 F.2d 56, 60 (5th Cir. 1990)).

It is, therefore, ORDERED and ADJUDGED that:

Plaintiff's Affidavit [41] for Writ of Arrest Warrant is DENIED.

SO ORDERED AND ADJUDGED this the 25th day of June, 2010.

s/ Michael T. Parker

United States Magistrate Judge